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10/540,173	06/17/2005	Herbert Mosse	ESSR:078US	1184

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FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN, TX 78701

EXAMINER	
STULTZ, JESSICA T	

ART UNIT	PAPER NUMBER
2873	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

TH

Office Action Summary	Application No.	Applicant(s)	
	10/540,173	MOSSE ET AL.	
	Examiner	Art Unit	
	Jessica T. Stultz	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30 and 36-38* is/are rejected.

7)☒ Claim(s) *31-35* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *0507*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Examiner's Comments

For applicant's information, the amendments to claims 22 and 31 overcome the previous objection or 112 rejections of these claims, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being obvious over Degand et al. US 2002/0071091, hereinafter Degand '091, in view of Goepfert et al. US 4,865,668, hereinafter Goepfert '668.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103 (a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Regarding claim 1, Degand '091 discloses an ophthalmic lens (title; abstract) comprising: a substrate made of organic glass (sec. 0015), said substrate comprising front and rear main faces (sec. 0060); an optically transparent composite film deposited on the front main face of the

substrate (sec. 0015, 0018, 0060-0064, wherein the composite film - the impact-resistant primer layer - is necessarily transparent to impart functionality to the lens, otherwise no light would pass through the lens and it would be useless to the user), said transparent film comprising: a latex layer (sec. 0015, 0018, 0060-0064, wherein the impact-resistant primer layer is a latex layer), but does not specifically disclose the latex layer having an outer main face provided with parallel microgrooves, or that the transparent composite film further comprises a polarizing dye material filling at least partially the said microgrooves. In the same field of endeavor of ophthalmic lenses, Goepfert ' 668 teaches of an ophthalmic lens including an organic glass comprising a layer having an outer main face provided with parallel microgrooves (col. 2, lines 16-17, 25-32, wherein the support 2 has an outer main face provided with parallel microgrooves), and a polarizing dye material filling at least partially the said microgrooves (col. 2, lines 36-40, col. 2, lines 59-68), for the purpose of providing a laminated, transparent, polarizing ophthalmic lens which is free of deficiencies and exhibits optical properties good enough to meet the standards in the field of spectacle making (col. 2, lines 8-11; col. 3, lines 56- 62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the ophthalmic lens of Degand '091 to have the latex layer comprise an outer main face provided with parallel microgrooves, and to have the transparent composite film further comprise a polarizing dye material filling at least partially the said microgrooves, since Goepfert '668 teaches of an ophthalmic lens including an organic glass with the outer main face provided with parallel microgrooves, and a polarizing dye material filling at least partially the said microgrooves, for the purpose of providing a laminated, transparent, polarizing ophthalmic lens

which is free of deficiencies and exhibits optical properties good enough to meet the standards in the field of spectacle making.

Regarding claim 2, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Goepfert '668 further teaches of an ophthalmic lens wherein the polarizing dye material fills at least 50% of the volume of the microgrooves (Fig. 1; col. 4, lines 32-44, wherein the polarizing coating layer 2 forms a continuous layer over the grooves, as shown Fig. 2; to form a continuous layer over the grooves, the polarizing dye material necessarily has to totally fill the microgrooves, filling 100% of the volume of the grooves).

Regarding claim 3, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Goepfert '668 further teaches of an ophthalmic lens wherein the polarizing dye material totally fills the microgrooves (Fig. 1; col. 4, lines 32-44, wherein the polarizing coating layer 2 forms a continuous layer over the grooves, as shown Fig. 2; to form a continuous layer over the grooves, the polarizing dye material necessarily has to totally fill the microgrooves).

Regarding claim 4, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Goepfert '668 further teaches of an ophthalmic lens wherein the polarizing dye material forms a continuous layer over the microgrooves (Fig. 1; col. 4, lines 32-44, wherein the polarizing coating layer 2 forms a continuous layer over the grooves as shown Fig. 2).

Regarding claim 5, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Goepfert '668 further teaches of an ophthalmic lens wherein the

polarizing dye material is made from a mixture comprising organic colorants and an alkaline wetting agent (col. 5, lines 44-60).

Regarding claim 6, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Goepfert '668 further teaches of an ophthalmic lens wherein the organic colorants correspond to the three primary colors and exhibit a nematic state (abstract; col. 5, lines 44-60).

Regarding claim 7, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Goepfert '668 further teaches of an ophthalmic lens wherein the depth of the microgrooves ranges from 50 to 300 nm (col. 2, lines 66-68, wherein the depth and width are less than 0.5 micrometers = 500 nm, thus including the 50-300 nm range).

Regarding claim 8, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Goepfert '668 further teaches of an ophthalmic lens wherein the depth of the microgrooves is about 100 nm (col. 2, lines 66-68,wherein the depth and width are less than 0.5 micrometers = 500 nm, thus including about 100 nm).

Regarding claim 9, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Goepfert '668 further teaches of an ophthalmic lens wherein the width of the microgrooves ranges from 5 nm to 5 micrometers (col. 2, lines 66-68, wherein the width is 0.5 micrometers).

Regarding claim 10, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Goepfert '668 further teaches of an ophthalmic lens wherein the width of the microgrooves ranges from 5 nm to less than 1 micrometer (col. 2, lines 66-68, wherein the width is 0.5 micrometers).

Regarding claim 11, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Degand '091 further discloses an ophthalmic lens wherein the thickness of the latex layer ranges from 0.5 to 5 μm (sec. 0065).

Regarding claim 12, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Degand '091 further discloses an ophthalmic lens wherein the thickness of the latex layer ranges from 0.5 to 2 μm (sec. 0065).

Regarding claim 13, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Degand '091 further discloses an ophthalmic lens wherein the thickness of the latex layer is about 1 μm (sec. 0065).

Regarding claim 14, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Degand '091 further discloses an ophthalmic lens wherein the latex is poly(meth)acrylic latex, polyurethane latex, or polyester latex (sec. 0015-0028).

Regarding claim 15, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Degand '091 further discloses an ophthalmic lens wherein the substrate is chosen from: the glasses obtained by polymerization of diethylene glycol bis(allyl carbonate); the glasses obtained by polymerization of acrylic monomers derived from bisphenol A; the glasses obtained by polymerization of allyl monomers derived from bisphenol A (sec. 0040-0045).

Regarding claim 16, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Degand '091 further discloses an ophthalmic lens wherein the substrate is chosen from the glasses obtained from poly(methyl methacrylate) (sec. 0041).

Regarding claim 17, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Degand '091 further discloses an ophthalmic lens wherein the lens further comprises a hard abrasion resistant coating deposited on the optically transparent composite film (sec. 0003, 0005, 0015, 0046).

Regarding claim 18, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Degand '091 further discloses an ophthalmic lens wherein the hard abrasion resistant coating is a polysiloxane coating (sec. 0003, 0046-0048).

Regarding claim 19, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Degand '091 further discloses an ophthalmic lens wherein the polysiloxane coating is obtained by curing a hydrolysate of silanes containing an epoxysilane (sec. 0003, 0046-0048; 0077-0079).

Regarding claim 20, Degand '091 and Goepfert '668 disclose and teach of an Ophthalmic lens as shown above, and Degand '091 further discloses an ophthalmic lens wherein the lens further comprises an anti-reflection coating deposited on the hard abrasion-resistance coating (sec. 0049-0062).

Regarding claim 21, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Goepfert '668 further teaches of an ophthalmic lens wherein the lens further comprises a hydrophobic top coat (6) deposited on the anti-reflection coating (Fig. 2; col. 4, lines 45-49).

Claims 22-30 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Degand '091, in view of Goepfert '668, as applied to independent claim 1 above, and further in view of Hayashi et al. JP H3-294802, hereinafter Hayashi '802.

Regarding claim 22, Degand '091 and Goepfert '668 disclose and teach of an ophthalmic lens as shown above, and Degand '091 further discloses a process for the manufacture of an ophthalmic lens comprising the following steps: providing a substrate made of organic glass having front and rear main faces, which is to receive an optically transparent composite film comprising a latex layer (sec. 0015, 0060-0061, 0074); applying on the front face of the substrate a latex composition and drying or partially procuring said composition to form a dry latex layer having an outer face (sec. 0060-0061, 0074-0075). Goepfert '668 further teaches optionally carefully drying and cleaning the front face of the substrate, which is to receive an optically transparent film comprising a latex layer and a polarizing dye material (col. 2, lines 33-40); depositing a polarizing dye material on the front face of the layer having the grooves, the said microgrooves being at least partially filled by the polarizing dye material (col. 2, lines 12-53; Fig. 1, wherein the grooves are completely filled by the polarizing dye material to form a continuous layer 2); and treating the resulting polarizing dye material for fixing the polarizing dye material (col. 2, lines 25-53), however Degand '091 and Goepfert '668 do not specifically disclose or teach of preparing the face of the latex layer opposite to the substrate by forming parallel microgrooves on the said face of the latex layer. In the same field of endeavor of polarizing dye layers on optical elements, Hayashi '802 teaches of preparing the face of a photosensitive resin layer opposite to the substrate by forming parallel microgrooves on the said face of the photosensitive resin layer (pg. 2, lines 9-16, pg. 3, lines 30-38), which accept polarizing dye material, for the purpose of eliminating the process in which a separate polarizing plate is stuck to the substrate, therefore eliminating the risk of foreign matter or air being occluded at the time of sticking to the substrate, which degrades the optical quality, and

increasing the impact resistance of the optical element (pg. 3, lines 16-21; pg. 4, lines 3-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the process for the manufacture of an ophthalmic lens of Degand '091 and Goepfert '668 to further comprise the step of preparing the face of the latex layer opposite to the substrate by forming parallel microgrooves on the said face of the latex layer, since Hayashi '802 teaches of preparing the face of a photosensitive resin layer opposite to the substrate by forming parallel microgrooves on the said face of the photosensitive resin layer, which accept polarizing dye material, for the purpose of eliminating the process in which a separate polarizing plate is stuck to the substrate, therefore eliminating the risk of foreign matter or air being occluded at the time of sticking to the substrate, which degrades the optical quality, and increasing the impact resistance of the optical element.

Regarding claim 23, Degand '091, Goepfert '668, and Hayashi '802 disclose and teach of a process for the manufacture of an ophthalmic lens as shown above, and Goepfert '668 further teaches of a process wherein the treatment of the polarizing dye is made in aqueous solution of inorganic salts in order to reduce the water solubility of said dye material (col. 2, lines 41-45; col. 6, lines 9-20).

Regarding claim 24, Degand '091, Goepfert '668, and Hayashi '802 disclose and teach of a process for the manufacture of an ophthalmic lens as shown above, and Goepfert '668 further teaches of a process of manufacturing such a lens wherein the polarizing dye material fills at least 50% of the volume of the microgrooves (Fig. l; col. 4, lines 32-44, wherein the polarizing coating layer 2 forms a continuous layer over the grooves, as shown Fig. 2; to form a continuous

layer over the grooves, the polarizing dye material necessarily has to totally fill the microgrooves, filling 100% of the volume of the grooves).

Regarding claim 25, Degand '091, Goepfert '668, and Hayashi '802 disclose and teach of a process for the manufacture of an ophthalmic lens as shown above, and Goepfert '668 further teaches of a process of manufacturing such a lens wherein the polarizing dye material totally fills the microgrooves (Fig. 1; col. 4, lines 32-44, wherein the polarizing coating layer 2 forms a continuous layer over the grooves, as shown Fig. 2; to form a continuous layer over the grooves, the polarizing dye material necessarily has to totally fill the microgrooves).

Regarding claim 26, Degand '091, Goepfert '668, and Hayashi '802 disclose and teach of a process for the manufacture of an ophthalmic lens as shown above, and Goepfert '668 further teaches of a process of manufacturing such a lens wherein the polarizing dye material forms a continuous layer over the microgrooves (Fig. 1; Col. 4, lines 32-44, wherein the polarizing coating layer 2 forms a continuous layer over the grooves as shown Fig. 2).

Regarding claim 27, Degand '091, Goepfert '668, and Hayashi '802 disclose and teach of a process for the manufacture of an ophthalmic lens as shown above, and Goepfert '668 further teaches of a process wherein the parallel microgrooves are formed on the outer face of the transparent composite film with the aid of a slightly abrasive rubbing of said outer face (col. 4, line 62-col. 5, line 7).

Regarding claim 28, Degand '091, Goepfert '668, and Hayashi '802 disclose and teach of a process for the manufacture of an ophthalmic lens as shown above, and Goepfert '668 further teaches of a process wherein the outer face of the transparent composite film is rubbed by using a soft cloth and abrasives (col. 4, line 62-col. 5, line 7, wherein the film is rubbed by a polyester

foam cloth impregnated with abrasives such as an oxide of the zirconia type or alumina in suspension in water).

Regarding claim 36, Degand '091, Goepfert '668, and Hayashi '802 disclose and teach of a process for the manufacture of an ophthalmic lens as shown above, but do not specifically disclose or teach of a process for the manufacture of an ophthalmic lens wherein the inorganic salts contained in the aqueous treatment solution comprise dehydrated barium chloride, aluminum chloride, or barium chloride. However, it is well known in the art of lens manufacturing that the inorganic salts contained in the aqueous treatment solution to comprise aluminum chloride for the purpose of controlling the concentration of water in the solution. Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made for the inorganic salts contained in the aqueous treatment solution to comprise dehydrated barium chloride, aluminum chloride or barium chloride, since it is well known in the art of lens manufacturing that the inorganic salts contained in the aqueous treatment solution comprise aluminum chloride for the purpose of controlling the concentration of water in the solution.

Regarding claim 37, Degand '091, Goepfert '668, and Hayashi '802 disclose and teach of a process for the manufacture of an ophthalmic lens as shown above, and Degand '091 further discloses a process wherein the process successively includes the steps: applying a hard abrasion-resistant coating on the transparent composite film (sec. 0060-0063, 0074-0085, wherein the hard abrasion-resistant coating is applied on the impact-resistant primer latex layer); and applying an anti-reflection coating on the hard abrasion-resistant coating (sec. 0060-0063, 0074-0085). Goepfert '668 further teaches a process wherein the process successively includes

the step of applying a hydrophobic top coat on the anti-reflection coating (Fig. 2; col. 4, lines 45-49, wherein the hydrophobic top coat 6 necessarily has to be formed successively after the step of applying an anti-reflection coating on the hard abrasion-resistant coating since the hydrophobic top coat is the outermost layer).

Regarding claims 29 and 38, Degand '091, Goepfert '668, and Hayashi '802 disclose and teach of a process for the manufacture of an ophthalmic lens as shown above, and Goepfert ' 668 further teaches of a process wherein the process further comprises, prior to applying the polarizing dye material, a cleaning step of the outer face of the transparent composite film provided with the microgrooves (col. 5, lines 9-35, wherein the grooved surface is thoroughly cleaned before the polarizing coating is applied; in the Combination, the grooved surface is the transparent composite film).

Regarding claim 30, Degand '091, Goepfert '668, and Hayashi '802 disclose and teach of a process for the manufacture of an ophthalmic lens as shown above, and Goepfert '668 further teaches of a process wherein the cleaning step comprises: rinsing with water the outer face of the transparent composite film, and then washing it with a soft cloth (col. 51 lines 9-16); rinsing it again with deionized water the said outer face of the transparent composite film and then drying it (col. 5, lines 17-35).

Allowable Subject Matter

Claims 31-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 U.S.C. 102 or 103.

Specifically regarding claims 31-35, none of the prior art either alone or in combination disclose or teach of a process for the manufacture of an ophthalmic lens as claimed, specifically wherein the parallel microgrooves are formed through a process comprising a step for transferring a microstructure corresponding to the microgrooves from a mold, an internal face of which supports the said microstructure.

Response to Arguments

Applicant's arguments filed May 23, 2007 have been fully considered but they are not persuasive. Specifically applicant argues that neither Degand '091 or Goepfert '668 discloses the claimed latex film having an outer face provided with parallel microgrooves and that there is no reason to combine Degand '091 and Goepfert '668.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to make the claimed parallel microgrooves on an outer main face of the ophthalmic lens of Degand '091 since Goepfert '668 teaches of an ophthalmic lens including an organic glass with the outer main face provided with parallel microgrooves,

and a polarizing dye material filling at least partially the said microgrooves, for the purpose of providing a laminated, transparent, polarizing ophthalmic lens which is free of deficiencies and exhibits optical properties good enough to meet the standards in the field of spectacle making (col. 2, lines 8-11; col. 3, lines 56- 62) as shown above.

Applicant also argues that Goepfert '668 teaches away from a lens including a film and therefore cannot be combined with Degand '091, which discloses a latex film. However, the Goepfert '668 reference is used to teach that an outer main face of a lens including an organic glass, regardless of whether the outer face is that of the glass or an additional film attached to the glass, provided with parallel microgrooves as claimed, as shown above.

Additionally, applicant argues that Hayashi '802 is non-analogous art and therefore cannot be used as a teaching reference in combination with Degand '091 and Goepfert '668. In response to applicant's argument that Hayashi '802 is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, the Hayashi '802 reference is drawn to a method of manufacturing an optical element including polarizing dyes, i.e. analogous art, specifically wherein an outer layer of the optical element has parallel microgrooves formed on the face of the layer which accept polarizing dye material, for the purpose of eliminating the process in which a separate polarizing plate is stuck to the substrate, and therefore eliminating the risk of foreign matter or air being occluded at the time of sticking to the substrate, which degrades the optical quality (pg. 3, lines

16-21; pg. 4, lines 3-8), which would be pertinent to the invention by increasing the impact resistance of the optical element as shown above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T. Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jessica T Stultz
Examiner
Art Unit 2873
August 1, 2007